

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 72-16622

Priority: April 18, 2002

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated April 16, 2002; and has  
submitted Proof of Beneficial Use on October 03, 2003. An examination indicates that water has been  
diverted from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> |
|------------------------------|-----------------------------|------------------------------|
| STOCKWATER                   | 01/01 to 12/31              | 0.02 CFS                     |
| DOMESTIC                     | 01/01 to 12/31              | 0.02 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SW1/4SE1/4 Sec. 31, Twp 14N, Rge 20E, B.M.  
CUSTER County

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13N 20E 6   |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 14N 20E 31  |    |     |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |        |

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13N 20E 6   |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 14N 20E 31  |    |     |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |        |

**CONDITIONS OF APPROVAL**

- Domestic use is for camp use and does not include lawn, garden, landscape, or other types of irrigation.

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 72-16622

2. All stockwater shall be contained in troughs. All troughs for stockwatering shall have automatic shutoff or flow control mechanisms. No water diverted shall be allowed to waste or overflow on to the ground.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 17<sup>th</sup> day of October, 2014.

  
FOR GARY SPACKMAN  
Director

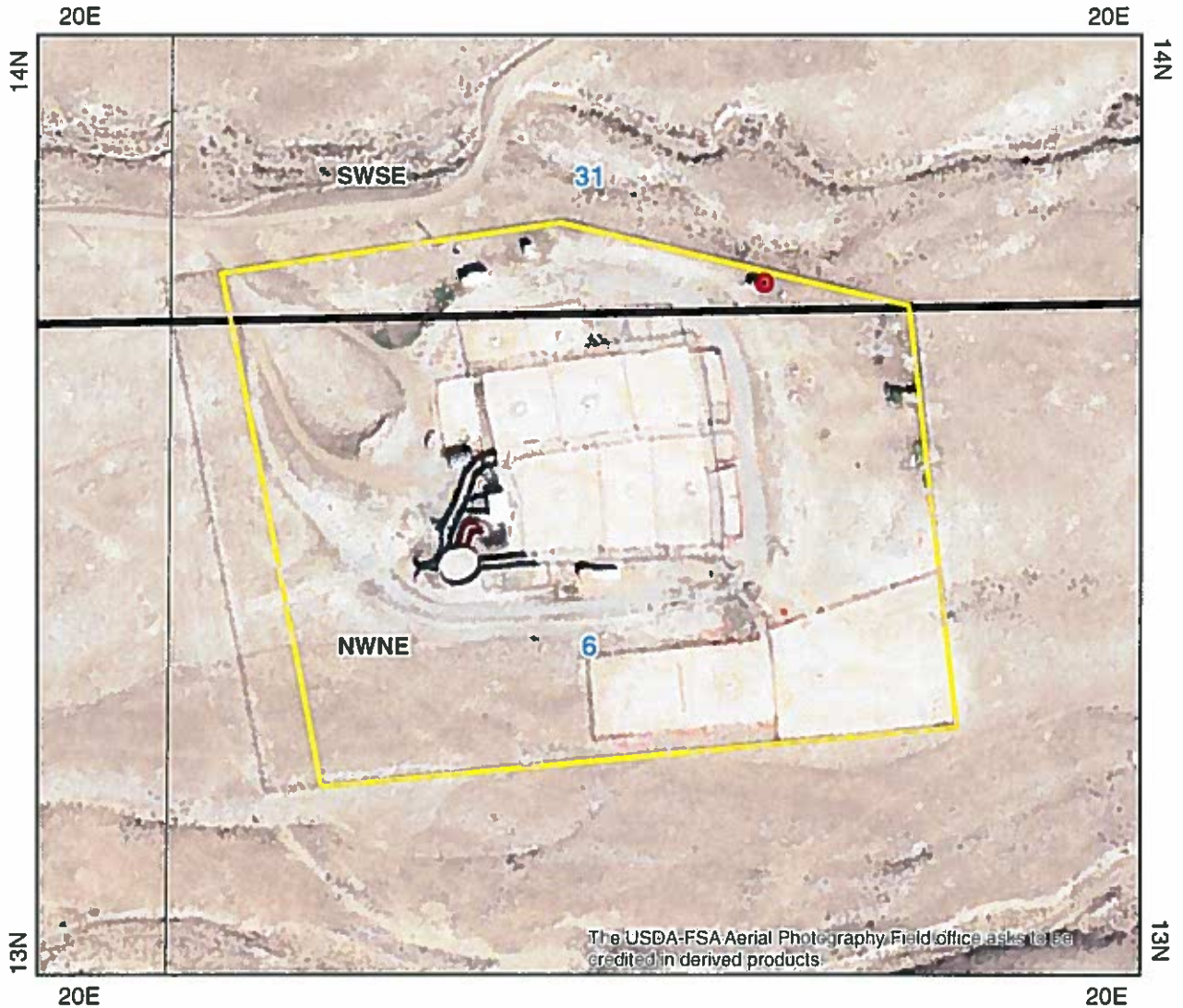


State of Idaho  
Department of Water Resources

# Attachment To Water Right License

72-16622

This map depicts the STOCKWATER and DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.0225 0.045 0.09 Miles



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OCT 14 2014 RECEIVED

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State of Idaho

DEPT OF WATER RESOURCES  
SOUTHERN REGIONOCT 09 2014  
DEPARTMENT OF  
WATER RESOURCES

Department of Water Resources

**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

WATER RIGHT NO. 72-16622

Date of Priority: April 18, 2002

Maximum Diversion Rate: 0.02 CFS

Comes now UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657 and represents to the Director of the Idaho Department  
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the  
State of Idaho No. 72-16622, and requests that the permit be changed as follows:

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.02 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 31, Twp 14N, Rge 20E, B.M.  
CUSTER County

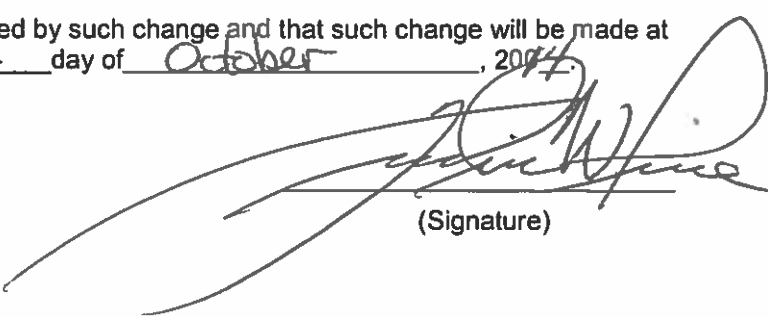
PLACE OF USE: STOCKWATER

| Twp Rge Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13N 20E 6   |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 14N 20E 31  |    |     |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |        |

PLACE OF USE: DOMESTIC

| Twp Rge Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13N 20E 6   |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 14N 20E 31  |    |     |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at  
permit holder's own risk. Signed this 8th day of October, 2014.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 72-16622

FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$100<sup>00</sup> Received by CS # COPPH96 Date 10/9/14

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

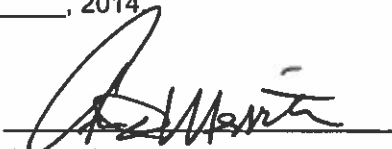
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 72-16622 with the following:

**CONDITIONS OF APPROVAL**

1. Domestic use is for camp use and does not include lawn, garden, landscape, or other types of irrigation.
2. All stockwater shall be contained in troughs. All troughs for stockwatering shall have automatic shutoff or flow control mechanisms. No water diverted shall be allowed to waste or overflow on to the ground.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

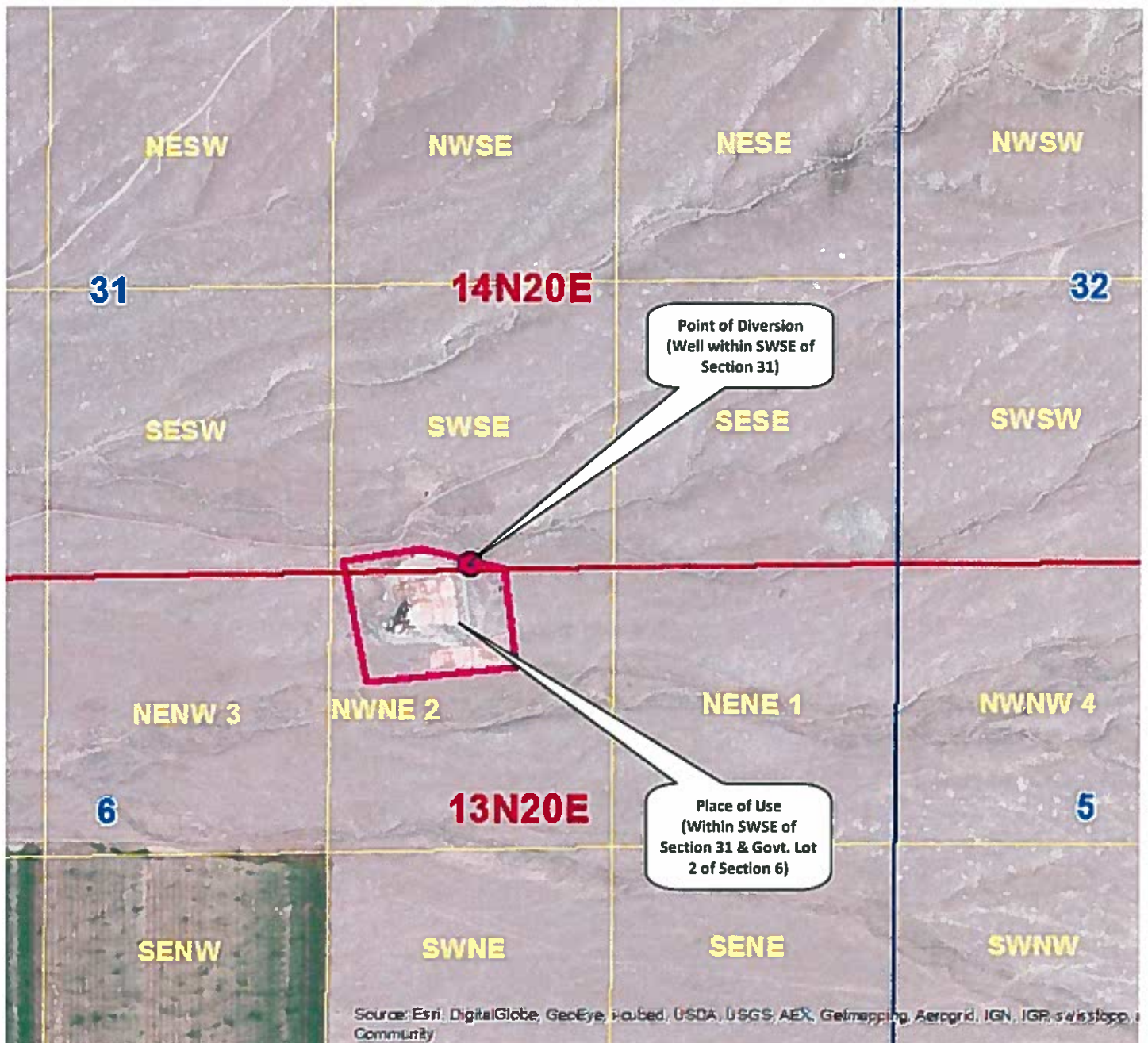
Witness my hand this 17<sup>th</sup> day of October, 2014

FOR

  
GARY SPACKMAN  
Director

# 72-16622 Point of Diversion & Place of Use Map

## Esri Imagery





Well House

North fence



Well House

North fence

fauet near restroom  
along north fence  
(north of corrals)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 17, 2014

UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

RE: License No. 72-16622

### Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Allen Merritt  
Southern Region Manager

Enclosure(s)

cc: BUREAU OF LAND MANAGEMENT, SALMON DISTRICT

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO. 72-16622**

**UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657**

**US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALMON DISTRICT  
1206 S CHALLIS ST  
SALMON ID 83467**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

10/07/2014

FRED PRICE  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

RE: Water Right Permit No. 72-16622

Dear Mr. Price:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed. Based on the examiner's report, the following elements were developed differently than described on your permit:

       **Point(s) of Diversion** (*Well was drilled and actually located within the SWSE of Section 31, Township 14 North, Range 20 East*)

       **Place(s) of Use** (*A faucet is located within the SWSE of Section 31, Township 14 North, Range 20 East in addition to the permitted location of Govt. Lot 2 in Section 6, Township 13 North, Range 20 East*)

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208)736-3033

Sincerely,

Corey Skinner, PE  
Water Resource Engineer

Enclosure(s)